

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #2	CCRB Case #: 201805566	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/10/2018 4:00 PM	Location of Incident: 49th Precinct Stationhouse	Precinct: 49	18 Mo. SOL 1/10/2020	EO SOL 1/10/2020	
Date/Time CV Reported Tue, 07/10/2018 4:30 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/10/2018 4:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joseph Cordones	5046	944463	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Alesandro Florentino	00000	940825	049 PCT
2. POM Ryan Winkler	16412	940862	049 PCT
3. POM Jason Carpano	16911	960329	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joseph Cordones	Abuse: Sergeant Joseph Cordones did not process § 87(2)(b) s complaint regarding an officer.	

Case Summary

On July 10, 2018, § 87(2)(b) filed this complaint via telephone with the CCRB (Board Review 13). On the same date, she filed a duplicate complaint under IAB Log number 2018-26885, which the CCRB received on July 24, 2018 under IAB Log number 2018-27946 (Board Review 14).

On July 10, 2018, at approximately 4:00 p.m. § 87(2)(b) went into the 49th Precinct stationhouse in the Bronx to obtain a Motor Vehicle Accident Report. Police Officer Jason Carpano of the 49th Precinct made physical contact with her in a way that she believed was inappropriate. § 87(2)(b) then told Sergeant Joseph Cordones of the 49th Precinct who was at the Stationhouse desk, that she wanted information to file a complaint against the officer § 87(2)(b), § 87(2)(a). Sergeant Cordones did not process a civilian complaint for

§ 87(2)(b) (Allegation A-Abuse of Authority-Refusal to Process Civilian Complaint; § 87(2)(b) Present for the incident was Lieutenant Alessandro Florentino, the Integrity Control Officer of the 49th Precinct, who noted the incident in the 49th Precinct Command Log.

Video footage was obtained from the 49th Precinct stationhouse, but it did not involve any audio, nor did it show Sergeant Cordones' specific interaction with § 87(2)(b) that pertains to this incident. The full video appears in IA #20 (Board Review 01), is transcribed in IA#21 (Board Review 02). Selected clips of the video are excerpted in IA #53, IA #54, and IA #56 (Board Reviews 03, 08, and 09) and transcribed in IA #58 (Board Review 10).

Findings and Recommendations

Allegation (A) Sergeant Joseph Cordones did not process § 87(2)(b)'s complaint against an officer.

On July 10, 2018 and July 11, 2018, § 87(2)(b) gave two telephone statements to the CCRB (Board Reviews 13 and 15). On September 11, 2018, § 87(2)(b) was interviewed at the CCRB. On October 26, 2018, Lieutenant Florentino was interviewed at the CCRB. On November 7, 2018, Sergeant Cordones was interviewed at the CCRB.

It is undisputed that § 87(2)(b) went to the 49th Precinct stationhouse to retrieve a police report for a prior motor vehicle accident. It is undisputed that due to the wait time in the precinct for a report, § 87(2)(b) approached the front desk of the Precinct stationhouse several times to discuss the status of her report with Sergeant Cordones, the patrol supervisor on the date of the incident. It is undisputed that Police Officer Carpano ordered her away from the desk, and in doing so, made physical contact with her. § 87(2)(a), § 87(2)(g), § 87(2)(b)

It is undisputed that § 87(2)(b) and Sergeant Cordones subsequently went into a room in the Precinct stationhouse to discuss the incident, away from other civilians and officers. § 87(2)(a), § 87(2)(f), § 87(2)(b)

§ 87(2)(a), § 87(2)(f), § 87(2)(b) It is undisputed that at some point, § 87(2)(b) and Sergeant Cordones went to the front desk, and viewed video footage from the incident with Police Officer Carpano. It is undisputed that shortly after § 87(2)(b) viewed this footage, she left the 49th Precinct stationhouse.

§ 87(2)(b) stated that when Sergeant Cordones took her into a room alone, he asked her what happened. § 87(2)(a), § 87(2)(f), § 87(2)(b)

§ 87(2)(b) stated that Sergeant Cordones continued to ask her what happened, and did not respond directly to her requests. He did not bring any forms or documentation into the room, and he did not request § 87(2)(b)'s contact information. When § 87(2)(b) decided to leave, he provided her with the phone number for the CCRB.

§ 87(2)(a), § 87(2)(f), § 87(2)(b) Sergeant Cordones stated that when he receives an allegation of misconduct such as this one, he typically makes a notification to the Internal Affairs. She told him that she wanted to file a report herself, and that she asked for this officer's name and shield number. He did not say with whom or how this report would be filed. He stated that he brought her to review the stationhouse footage, with Lieutenant Florentino's permission, so that she could identify the officer who touched her. § 87(2)(a), § 87(2)(f)

Sergeant Cordones, at that time, decided not to make a notification to IAB. He stated in his CCRB interview, § 87(2)(a), § 87(2)(f), § 87(2)(b)

Sergeant Cordones did not remember if he provided § 87(2)(b) with the phone number for the CCRB or IAB, but told her to wait so that he could provide the CCRB's number for her.

Lieutenant Florentino stated that Sergeant Cordones requested permission to show § 87(2)(b) video. He was not aware of why Sergeant Cordones wanted to show her video at the time that she was in the stationhouse. § 87(2)(a), § 87(2)(f), § 87(2)(b)

Lieutenant Florentino told Sergeant Cordones, "No problem," and made a command log entry in regards to the incident. His understanding of the procedure when such allegations are received is that officers must make a police report, and he believed that § 87(2)(b) had been given the opportunity to file a complaint, at the very least, by being given the CCRB's phone number.

Lieutenant Florentino's Command Log entry stated that a female Hispanic individual entered the stationhouse looking for the name and shield number of an officer in regards to a "physical contact" complaint, that the phone number for the CCRB was given to her, and that she walked away afterwards (Board Review 04).

Per Patrol Guide Procedure 207-31, a receiving officer is obligated to interview any civilian who comes to a Precinct stationhouse to file a complaint. If a civilian complainant does not want to furnish the officer receiving the complaint with the details of what happened, then the receiving officer must provide that individual with a Civilian Complaint Report, notify the Civilian Complaint Review Board of what occurred, note demographic information in the Command Log, and take information from the complainant to prepare into a packet for the investigating officer (Board Review 05).

Under this Patrol Guide Procedure, if the allegation does not fall within the CCRB's jurisdiction, then a notification must be made by the receiving officer to IAB. It does not stipulate that only complaints with clear proof be sent to IAB. Patrol Guide Procedure 207-31 makes no distinction between proven and unproven complaints. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 06).
- Sergeant Cordones has been a member of service for 11 years. He has been a subject to four prior CCRB complaints and 12 prior allegations, of which two were substantiated (Board Review 07).
 - Case 201015877 involved substantiated frisk and stop allegations for which the Board recommended charges, and the NYPD, respectively, imposed Instructions and declined to impose punishment.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(a), § 87(2)(b)

Squad #2

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date